IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6095 OF 2002

Shri. Nandkumar Anant Kadam ..Petitioner.
Vs.
The Chief Executive Officer,
Ratnagiri Zilla Parishad, Ratnagiri & anr. ..
Respondents.

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Mr. R.S. Patil with Mr. A.S. Kadam for the petitioner.
Mr. U.G. Kerkar with Mr. Vilas Jadhav for respondent No. 1.
Mr. J.S. Pawar, Addl. G.P. for the respondents.

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CORAM : S. RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.

23rd November, 2004.

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for respondent No.1 and the learned Additional Government Pleader for respondent No.2.

2. By this petition, the petitioner residing at Bhatgaon has challenged the resolution of the Government of Maharashtra dated 19th September, 2002 whereby the hospital which is situated at Bhatgaon(Tisang), Taluka Guhagar, District Ratnagiri has been

shifted to village Kolavli. We have also perused the affidavit in reply filed on behalf of the State wherein it is categorically stated that there has been a demand for Primary Health Centre for almost last 40 years and for the purpose of providing health services to the residents of the villages Veer, Manjare, Medhe, Karjuve, Kajurli, and Rai which are situated near the creek, the aforesaid decision has been taken based on the report dated 17th July, 2002. Learned Additional Government Pleader appearing on behalf of the State has also produced before us a map showing the exact location of the existing Primary Health Centre at Bhatgaon and also the proposed place wherein it is proposed to be shifted. The proposed shifting would result in saving almost 30 kms. distance, in the sense the people would have to travel almost 30 kms. lesser, for persons residing in Bhatgaon.

3. The learned Additional Government Pleader also placed reliance on a judgment of the Supreme Court in **J.R. Raghupathy v. State of A.P.** (AIR 1988 SC 1681), wherein the Supreme Court has clearly held that the High Court ought not to interfere with regard to an administrative decision of the government with regard to the location of the Mandal Headquarters. In the present case,

what has been challenged is shifting of hospital from one place to the other for the benefit of a large number of villagers in different villages. The affidavit in reply gives detailed reasons justifying the said shifting. We do not finding any illegality, perversity or arbitrariness in the said decision for shifting. The petition is devoid of any merit, accordingly the same is dismissed.

S.RADHAKRISHNAN, J.

DR.D.Y.CHANDRACHUD, J.